

# **EXHIBIT B**

## Nicole Vandewalker

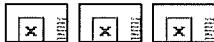
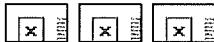
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**From:** Mark R. Suter <msuter@bm.net>  
**Sent:** Tuesday, April 26, 2022 4:33 PM  
**To:** Alyson Beridon; Nicole Vandewalker  
**Subject:** Fwd: Varsity: Expert Extension Proposal

Begin forwarded message:

**Mark R. Suter / Associate**

 215.875.3021  201.647.6525



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**From:** "Eric L. Cramer" <ecramer@bm.net>

**Date:** April 22, 2022 at 2:55:19 PM EDT

**To:** "Houck, Stephen J." <shouck@cgsh.com>, Kobelah Bennah <Kobalah@falangalaw.com>, Robert Falanga <Robert@falangalaw.com>, Ashleigh Jensen <ajensen@saverilawfirm.com>, Joseph Saveri <jsaveri@saverilawfirm.com>, "Elissa A. Buchanan" <EABuchanan@saverilawfirm.com>, "Kaiser, Steven J." <skaiser@cgsh.com>, Ronnie Spiegel <rspiegel@saverilawfirm.com>, Kobalah@falangalaw.com, rfalanga@mindspring.com, Benjamin Elga <belga@justicecatalyst.org>, Ben Gastel <beng@bsjfirm.com>, "Mark R. Suter" <msuter@bm.net>, Vicky Sims <Vicky@cuneolaw.com>, Michael Kane <mkane@bm.net>, kgarvey@dicellevitt.com, vbosco@dicellevitt.com, Kevin Rayhill <krayhill@saverilawfirm.com>, nberkowitz@bakerdonelson.com, ggarrison@bakerdonelson.com, pcoggins@lockelord.com

**Subject: RE: Varsity: Expert Extension Proposal**

Defense Counsel:

I am writing on behalf of the Plaintiffs in the *Fusion Elite* and *Jones* cases. We intend to seek an extension on the expert deadlines in our cases, and ask whether Defendants would stipulate to the request. Our proposal would move the expert deadlines back a bit more than 5 weeks (from May 18 to June 27), but would cause no changes to any filing deadlines in the existing schedules. It would simply take advantage of the lengthy period currently built into the schedules between the service of the rebuttal expert reports and the filing of the class motions (which are due November 16). The *American Spirit* Plaintiffs consent to this request, which is made without prejudice to, and separate and apart from, their separate extension motion.

The basis for the sought extension is simply that the plaintiffs' experts need adequate time to incorporate documentary (including data) and deposition discovery into their reports and analyses—a substantial portion of which was produced or disclosed at the very end of the fact discovery period. As Defendants are aware, the parties have already taken twelve depositions during the month of April

(with several extending more than a single day) with eight more depositions scheduled between now and the current expert report deadline of May 18 (including, of course, the deposition of Varsity's founder and former CEO). Moreover, Defendants made four separate productions of documents during the month of April; Plaintiffs only received key answers to long-ago propounded questions relating to Varsity's transactional data during the Craft deposition on April 8; and Plaintiffs now expect to receive data from Nfinity on or about May 18. Given these circumstances, Plaintiffs' extension request is modest.

**Plaintiffs' proposal is as follows:**

- Move the opening expert disclosure deadline from May 18 to June 27
- Move the opposing expert deadline from July 13 to August 22
- Move the rebuttal expert deadline from September 12 to October 19
- Move the expert deposition deadline from October 12 to November 11.

Finally, and to repeat, this proposal would **keep the rest of the dates in the schedule as is**, including the class motion and brief which would continue to be due November 16. So, and to be clear, no filing deadlines with the Court would move under this proposal.

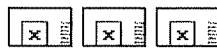
Please let us know by close of business on Monday, April 25 whether Defendants consent to this request. If anyone would like to discuss, please let me know.

Sincerely,

Eric Cramer

**Eric L. Cramer / Chairman**

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